

APPENDIX A

NOP/IS COMMENTS RECEIVED AND RESPONSES

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**ULTRAMAR INC. WILMINGTON REFINERY
COGEN PROJECT
RESPONSE TO COMMENTS RECEIVED ON THE NOP/IS**

INTRODUCTION

To fulfill the purpose and intent of CEQA, as the lead agency for this project, the SCAQMD prepared and released, for public review and comment period, a Notice of Preparation and Initial Study (NOP/IS) to identify potentially significant environmental impacts and provided a preliminary analysis associated with the Ultramar, Inc. Wilmington Refinery Cogeneration Project.

The NOP/IS was circulated for a 34-day public review and comment period, which started on March 30, 2012, and ended on May 3, 2012. The NOP/IS was circulated in Wilmington and to neighboring residents, responsible agencies, other public agencies, and interested individuals in order to solicit input on the scope of the environmental analysis to be included in an EIR.

Four comment letters were received on the NOP/IS during the public comment period. Although not required, comment letters received on the NOP/IS and the responses to those comments have been prepared. The comments are bracketed and numbered. The related responses are identified with the corresponding number and are included in the following pages.

Comment Letter	Commenter
1	Native American Heritage Commission
2	California Department of Transportation
3	Southern California Association of Governments
4	Ms. Joyce Dillard

The NOP/IS concluded that the proposed Project would not create significant adverse environmental impacts to the following areas: aesthetics, agricultural and forestry resources, biological resources, cultural resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, solid/hazardous waste, and transportation/traffic. No comments were received disputing these conclusions.

However, further evaluation of air quality, greenhouse gas emissions, and hazards and hazardous materials subsequent to the release of the NOP/IS for public review and comment did not identify any significant adverse impacts from the proposed Project. Therefore, in lieu of an EIR, the SCAQMD has prepared this Negative Declaration (ND) to address the potential adverse environmental impacts associated with the proposed Project.

Comment Letter No. 1

STATE OF CALIFORNIA

Edmund G. Brown, Jr., Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



April 6, 2012

Mr. James Koizumi, Project Planner

South Coast Air Quality Management District

21865 E. Copley Drive
Diamond Bar, CA 91765

Re: SCH#2012041014 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project;" located in Los Angeles County, California

Dear Mr. Koizumi:

The Native American Heritage Commission (NAHC) is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

1-1

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

1-2

The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. Also, the absence of archaeological resources does not preclude their existence. . California Public Resources Code §§5097.94 (a) and 5097.96 authorize the NAHC to establish a Sacred Land Inventory to record Native American sacred sites and burial sites. These records are exempt from the provisions of the California Public Records Act pursuant to California Government Code §6254(r). The purpose of this code is to protect such sites from vandalism, theft and destruction. The NAHC 'Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC

1-3

Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

1-3
(cont'd)

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

1-4

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties pursuant to CA Public Resources Code §5097.95. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

1-5

Consultation with tribes and interested Native American consulting parties, on the NAHC list, if the project is under federal jurisdiction, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (4)(f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

1-6

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

1-7

Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be

1-8

RESPONSE TO COMMENTS

followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

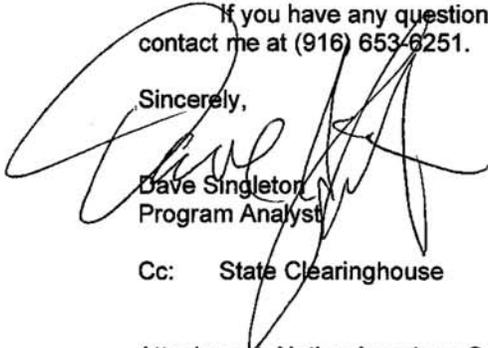
1-8
(cont'd)

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

1-9

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

Native American Contacts
Los Angeles County
April 6, 2012

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th St, Rm. 403
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net
Gabrielino Tongva
(909) 262-9351 - cell

Ti'At Society/Inter-Tribal Council of Pimu
Cindi M. Alvitre, Chairwoman-Manisar
3094 Mace Avenue, Apt. B Gabrielino
Costa Mesa, , CA 92626
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Dorame, Tribal Chair/Cultural Resources
P.O. Box 490
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-761-6417- fax
Gabrielino Tongva

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
Private Address Gabrielino Tongva
tattnlaw@gmail.com
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 Gabrielino
Los Angeles , CA 90067
(619) 294-6660-work
(310) 428-5690 - cell
(310) 587-0170 - FAX
bacuna1@gabrieinotribe.org

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 Gabrielino Tongva
San Gabriel , CA 91778
GTtribalcouncil@aol.com
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 -FAX

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
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Los Angeles , CA 90067
lcandelaria1@gabrielinoTribe.org
626-676-1184- cell
(310) 587-0170 - FAX
760-904-6533-home

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012041014; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project; located in Los Angeles County, California.

RESPONSE TO COMMENTS

Native American Contacts
Los Angeles County
April 6, 2012

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.
com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012041014; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project; located in Los Angeles County, California.

Responses to Comment Letter No. 1

**Native American Heritage Commission
April 6, 2012**

Response 1-1

The comment states that the Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. No further response is necessary.

Response 1-2

The SCAQMD is aware of the statutes and regulations including Public Resources Code §21000-§21177 as well as all other relevant CEQA Guideline requirements in the California Code of Regulations. As explained below and in the following responses, no known cultural resources were identified within the proposed Project area. As stated on pages 2-33 through 2-35 in this ND, potential significant adverse impacts on cultural resources were not anticipated. This conclusion is based on the fact that there are no prehistoric or historic cultural resources or paleontological resources within the boundaries of the Refinery.

The entire Refinery site has been previously graded and developed and is primarily located on fill material. The larger Refinery structures and equipment are supported on concrete foundations. The remainder of the site is unpaved. Any archaeological or paleontological resources that may have been present prior to development of the Refinery are not expected to be found at the site due to past disturbance and imported fill material. In addition, a November 2010 records search indicated that no prehistoric sites or Native American sacred lands are recorded within the Refinery boundaries or within one-mile radius of the facility.

Although not expected, if cultural resources were to be encountered unexpectedly during ground disturbance associated with construction of the proposed Project, proper procedures (i.e., contacting professional archaeologist and a Gabrielino/Tongva representative, temporarily halting or redirecting disturbance work in vicinity, etc.) will be taken. Further, the Refinery's site does not contain known paleontological resources and, thus, the proposed Project is not expected to adversely affect any sites of paleontological value.

As a result, based on the November 2010 records search and past historical activities at the site, the proposed Project was determined to not cause a potential "substantial adverse change in the significance of any historical resource" which would require a further evaluation of cultural resources in this ND.

Response 1-3

The SCAQMD is aware of Public Resources Code §§5907.94(a) and 5097.96 and will treat any NAHC "Sacred Sites" as confidential and exempt from the Public Records Act pursuant to California Government Code §6254(r). As noted in the comment, no known "Sacred Sites" have been identified at the Refinery site where the proposed Project will be located.

Response 1-4

As noted in Response 1-2, a records search was conducted in November 2010, which did not identify prehistoric or Native American sites within a one-mile radius of the Refinery. Therefore, additional archaeological investigations are not required for the proposed Project, so it is not necessary to contact the Native American Heritage Commission. Construction activities for the proposed Project at the Refinery include standard procedures for accidentally encountering any archaeological, Native American or cultural resources on-site. Compliance with all local, state, and federal regulations (and notifications) will occur in the event of an accidental discovery of any cultural or historic resources.

A comprehensive mailing list of the Native American contacts provided by the commentator for this project and past projects has been created by SCAQMD. A copy of the NOP for the proposed Project was sent to the list of contacts provided in this comment letter. A notice of availability of this ND for the proposed Project will be sent to the contacts provided by the commentator when the ND is circulated for public review.

Response 1-5

Native American consulting parties were included in the noticing process for the NOP/IS and have been included in all noticing processes during the CEQA process for the proposed Project. Further, as indicated in Response 1-2 and the ND for the proposed Project, no Native American sites are known to exist on the Refinery property or within a one-mile radius of the Refinery.

Response 1-6

The proposed Project is not subject to NEPA or other referenced requirements. As stated in Response 1-2, the proposed Project is currently located within the Refinery in an area which has been previously graded. As such, no historical resources are expected to be encountered and no significant impacts to historical resources are expected.

Response 1-7

As with "Sacred Site" in Response 1-3, "historic properties of religious and cultural significance" will be considered confidential. However, it should be noted that no known historic properties of religious and cultural significance have been identified within the confines of the Refinery, which includes the proposed Project site.

Response 1-8

As stated in this ND on pages 2-33 through 2-35, the likelihood of encountering cultural (and archaeological) resources is low, if such resources were to be encountered unexpectedly during the limited ground disturbance associated with the proposed Project, standard procedures are currently in place at the Refinery and will be followed to minimize impacts to the resource.

Response 1-9

As stated in Response 1-4, consultation is not expected to be necessary since no Native American or other cultural resources are located on or within a one-mile radius of the Refinery. Further, a list of Native American contacts is maintained by the SCAQMD and has been included in the noticing process for the proposed Project.

Comment Letter No. 2

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN, JR., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 7, REGIONAL PLANNING

IGR/CEQA BRANCH

100 MAIN STREET, MS # 16

LOS ANGELES, CA 90012-3606

PHONE: (213) 897-9140

FAX: (213) 897-1337



Flex your power!
Be energy efficient!

April 13, 2012

IGR/CEQA No. 120411AL-NOP
Ultramar Inc., Wilmington Refinery
Vic. LA-103 / PM 0.9, LA-710 / PM 6.38
SCH # 2012041014

Mr. James Koizumi
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, CA 91765

Dear Mr. Koizumi:

Thank you for including the California Department of Transportation (Department) in the environmental review process for the above referenced project. The proposed project is to install a 45 megawatt cogeneration unit at the Wilmington Refinery. The cogeneration unit will be equipped with a selective catalytic reduction (SCR) unit and catalyst for emissions control of nitrogen oxides and carbon monoxide. Aqueous ammonia for the SCR unit will be supplied from an existing storage tank. A new control room for the cogeneration unit will also be built.

Whenever a traffic study is needed, please refer the project's traffic consultant to the Department's traffic study guide Website below:

http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf

You may also contact this office if you need additional information about the significance criteria on Caltrans right-of-way.

On page 2-58 and page 2-59 of the Notice of Preparation of Draft Environmental Impact Report, there are approximately 45 construction workers. The construction activities are expected to avoid peak hour traffic during morning hours, between 7-8 a.m., but could impact the evening peak hours (between 4-6 p.m.). Construction activities are expected to be limited to about a 24-month period, with the peak construction period limited to about 4 months. The increase in construction worker traffic in the area is temporary and would cease following the completion of construction activities. We concluded that during the construction period, there is no permanent significant impact to the State routes.

The permanent work force at the Refinery is not expected to increase as a result of the proposed Project and operation-related traffic expected to be limited to additional deliveries of aqueous ammonia. An estimated increase of 16 truck trips per year (a maximum of one truck trip per day approximately every three weeks) to transport aqueous ammonia is expected. Therefore, no significant traffic impacts are expected during the operational phase of the proposed Project.

2-1

2-2

Mr. James Koizumi
April 13, 2012
Page 2 of 2

Storm water run-off is a sensitive issue for Los Angeles and Ventura counties. Please be mindful that projects should be designed to discharge clean run-off water. Additionally, discharge of storm water run-off is not permitted onto State highway facilities without any storm water management plan.

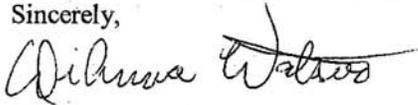
2-3

Transportation of heavy construction equipment and/or materials, which requires the use of oversized-transport vehicles on State highways, will require a transportation permit from the Department. It is recommended that large size truck trips be limited to off-peak commute periods.

2-4

If you have any questions, please feel free to contact me at (213) 897-9140 or Alan Lin the project coordinator at (213) 897-8391 and refer to IGR/CEQA No. 120411AL.

Sincerely,



DIANNA WATSON
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse

Responses to Comment Letter No. 2

**California Department of Transportation
April 13, 2012**

Response 2-1

The SCAQMD notes that Caltrans has the technical expertise in highway and state route planning issues and notes the proposed Project is for the installation of a 35 MW Cogen Unit, not a 45 MW Cogen Unit as stated in the comment.

Response 2-2

The comment notes and concurs with the conclusions in the NOP/IS that the proposed Project is not expected to result in significant adverse traffic impacts during construction or operation. This conclusion is unchanged in the ND for the proposed Project (see pages 2-80 through 2-82).

Response 2-3

As stated in the section “Storm Water Drainage Systems” on page 2-58 in this ND, storm water will be confined and managed on-site and sent to the on-site wastewater treatment system prior to discharge to the LACSD system. Therefore, no change in storm water runoff from the site is expected and the potential adverse impacts of the proposed Project on hydrology and water quality resources are expected to be less than significant.

Response 2-4

As stated in Table 1-1 on page 1-10 of this ND, oversized loads may require permits from Caltrans. Ultramar Inc. would obtain all necessary permits, should oversize equipment be required for the proposed Project.

Comment Letter No. 3



May 2, 2012

Mr. James Koizumi
South Coast Air Quality Management District
Planning, Rule Development and Area Sources
21865 Copley Drive
Diamond Bar, CA 91765
jkoizumi@aqmd.gov

Main Office
818 West Seventh Street
12th Floor
Los Angeles, California
90017-3435
t (213) 236-1800
f (213) 236-1825
www.scag.ca.gov

RE: SCAG Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project [I20120068]

Dear Mr. Koizumi:

Thank you for submitting the Notice of Preparation of a Draft Environmental Impact Report for the Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project [I20120068] to the Southern California Association of Governments (SCAG) for review and comment. SCAG is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities, pursuant to Presidential Executive Order 12372 (replacing A-95 Review). Additionally, pursuant to Public Resources Code Section 21083(d) SCAG reviews Environmental Impact Reports of projects of regional significance for consistency with regional plans per the California Environmental Quality Act Guidelines, Sections 15125(d) and 15206(a)(1). SCAG is also the designated Regional Transportation Planning Agency and as such is responsible for both preparation of the Regional Transportation Plan (RTP) and Federal Transportation Improvement Program (FTIP) under California Government Code Section 65080 and 65082.

3-1

Officers
President
Pam O'Connor, Santa Monica
First Vice President
Glen Becerra, Simi Valley
Second Vice President
Greg Pettis, Cathedral City
Immediate Past President
Larry McCallon, Highland

SCAG staff has reviewed this project and determined that the proposed project is regionally significant per California Environmental Quality Act (CEQA) Guidelines, Sections 15125 and/or 15206. The proposed project includes the construction and operation of a cogeneration plan to produce electricity on-site at the Valero Wilmington Refinery located in the Wilmington District of the City of Los Angeles, California.

3-2

Executive/Administration Committee Chair
Pam O'Connor, Santa Monica

Policies of SCAG's Regional Transportation Plan (RTP) and Compass Growth Visioning (CGV) that may be applicable to your project are outlined in the attachment. The RTP, CGV, and table of policies can be found on the SCAG web site at: http://scag.ca.gov/igr. For ease of review, we would encourage you to use a side-by-side comparison of all SCAG policies with a discussion of the consistency, non-consistency or non-applicability of the policy and supportive analysis in a table format (example attached).

3-3

Policy Committee Chairs
Community, Economic and Human Development
Bill Jahn, Big Bear Lake
Energy & Environment
Margaret Clark, Rosemead
Transportation
Paul Glaab, Laguna Niguel

The attached policies are meant to provide guidance for considering the proposed project within the context of our regional goals and policies. We also encourage the use of the SCAG List of Mitigation Measures extracted from the RTP to aid with demonstrating consistency with regional plans and policies. When available, please send environmental documentation ONLY to SCAG's main office in Los Angeles and provide a minimum of 45 days for SCAG to review. If you have any questions regarding the attached comments, please contact Pamela Lee at (213) 236-1895 or leep@scag.ca.gov. Thank you.

3-4

Sincerely,
[Signature]
Jacob Lieb, Manager
Environmental and Assessment Services

May 2, 2012
Mr. Koizumi

SCAG No. I20120068

**COMMENTS ON THE NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL
IMPACT REPORT FOR THE ULTRAMAR, INC. WILMINGTON REFINERY
PROPOSED COGENERATION PROJECT [I20120068]**

PROJECT LOCATION

The Ultramar, Inc. Wilmington Refinery is located at 2402 East Anaheim Street in the Wilmington District of the City of Los Angeles in the southern portion of Los Angeles County. The proposed project is entirely within the property boundaries of the Valero Wilmington Refinery (Refinery).

The Refinery is bounded to the north by Anaheim Street and industrial uses. Also northward of Anaheim Street are metal recycling facilities and another major refinery complex. The Refinery is bounded on the south by an area used previously for oil field production facilities and which is now developed for marine cargo transport and storage facilities and other Port of Long Beach related uses. The Air Products hydrogen plant is located adjacent to and immediately west of the Refinery on Henry Ford Avenue. To the west of Henry Ford Avenue are additional industrial and commercial uses and the Port of Los Angeles. To the east are automobile storage yards, a cogeneration plant and a petroleum coke calcining plant. The Terminal Island Freeway (State Route 103) runs through the Refinery boundaries. The closest residential area is about one-half mile northwest of the Refinery in Wilmington.

PROJECT DESCRIPTION

Ultramar Inc., a Valery Energy Company is proposing the construction and operation of a cogeneration plan (Cogen Unit) to produce electricity on-site at the Refinery. The Refinery currently does not operate any cogeneration equipment, and at least 70 percent of the electricity required to operate the facility is supplied by the Los Angeles Department of Water and Power with the remaining 30 percent supplied by the adjacent Air Product Hydrogen Plant facility. The overall focus of the proposed project is to generate electricity on-site, allowing the Refinery to rely mainly on on-site power generation under normal operating conditions as part of an effort to reduce the risk of process upset due to interruptions of power supplied by a public provider, with the benefit of producing less air contaminants by utilizing cleaner technology than is currently used to produce the LADWP-purchased electricity. The installation of the Cogen Unit would substantially decrease the Refinery's need for offsite sources of electricity and reduce the use of several existing boilers that produce steam at the Refinery.

The proposed project includes new infrastructure supporting the processes and operations throughout the Refinery. The proposed project would involve physical changes within the Refinery while providing operational and functional stability and reliability with no change in the processing of crude and no increase in crude throughput at the Refinery.

CONSISTENCY WITH REGIONAL TRANSPORTATION PLAN

Regional Growth Forecasts

The DEIR should reflect the most current SCAG forecasts, which are the 2008 RTP (May 2008) Population, Household and Employment forecasts. The forecasts for your region, subregion and city are as follows:

Adopted SCAG Regionwide Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	19,418,344	20,465,830	21,468,948	22,395,121	23,255,377	24,057,286
Households	6,086,986	6,474,074	6,840,328	7,156,645	7,449,484	7,710,722
Employment	8,349,453	8,811,406	9,183,029	9,546,773	9,913,376	10,287,125

3-5

3-6

May 2, 2012
Mr. Koizumi

SCAG No. I20120068

Adopted City of Los Angeles Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	4,057,484	4,128,125	4,204,329	4,277,732	4,348,282	4,415,773
Households	1,366,985	1,424,701	1,485,519	1,532,998	1,578,850	1,616,578
Employment	1,820,092	1,864,061	1,892,139	1,925,148	1,960,393	1,994,134

Adopted Los Angeles County Forecasts¹

	<u>2010</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>	<u>2035</u>
Population	10,615,732	10,971,598	11,329,832	11,678,549	12,015,885	12,338,619
Households	3,357,798	3,509,580	3,666,631	3,788,732	3,906,851	4,003,501
Employment	4,552,398	4,675,875	4,754,731	4,847,436	4,946,420	5,041,172

1. The 2008 RTP growth forecast at the regional, subregional, and city level was adopted by the Regional Council in May 2008. City totals are the sum of small area data and should be used for advisory purposes only.

The **2008 Regional Transportation Plan (RTP)** also has goals and policies that may be pertinent to this proposed project. This RTP links the goal of sustaining mobility with the goals of fostering economic development, enhancing the environment, reducing energy consumption, promoting transportation-friendly development patterns, and encouraging fair and equitable access to residents affected by socio-economic, geographic and commercial limitations. The RTP continues to support all applicable federal and state laws in implementing the proposed project. Among the relevant goals and policies of the RTP are the following:

Regional Transportation Plan Goals:

- RTP G1** *Maximize mobility and accessibility for all people and goods in the region.*
- RTP G2** *Ensure travel safety and reliability for all people and goods in the region.*
- RTP G3** *Preserve and ensure a sustainable regional transportation system.*
- RTP G4** *Maximize the productivity of our transportation system.*
- RTP G5** *Protect the environment, improve air quality and promote energy efficiency.*
- RTP G6** *Encourage land use and growth patterns that complement our transportation investments.*
- RTP G7** *Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.*

GROWTH VISIONING

The fundamental goal of the **Compass Growth Visioning** effort is to make the SCAG region a better place to live, work and play for all residents regardless of race, ethnicity or income class. Thus, decisions regarding growth, transportation, land use, and economic development should be made to promote and sustain for future generations the region's mobility, livability and prosperity. The following "Regional Growth Principles" are proposed to provide a framework for local and regional decision making that improves the quality of life for all SCAG residents. Each principle is followed by a specific set of strategies intended to achieve this goal.

Principle 1: Improve mobility for all residents.

- GV P1.1** *Encourage transportation investments and land use decisions that are mutually supportive.*
- GV P1.2** *Locate new housing near existing jobs and new jobs near existing housing.*
- GV P1.3** *Encourage transit-oriented development.*
- GV P1.4** *Promote a variety of travel choices*

Principle 2: Foster livability in all communities.

- GV P2.1** *Promote infill development and redevelopment to revitalize existing communities.*
- GV P2.2** *Promote developments, which provide a mix of uses.*

3-6
(cont'd)

3-7

3-8

May 2, 2012
Mr. Koizumi

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- GV P2.3 *Promote "people scaled," walkable communities.*
- GV P2.4 *Support the preservation of stable, single-family neighborhoods.*

Principle 3: Enable prosperity for all people.

- GV P3.1 *Provide, in each community, a variety of housing types to meet the housing needs of all income levels.*
- GV P3.2 *Support educational opportunities that promote balanced growth.*
- GV P3.3 *Ensure environmental justice regardless of race, ethnicity or income class.*
- GV P3.4 *Support local and state fiscal policies that encourage balanced growth*
- GV P3.5 *Encourage civic engagement.*

Principle 4: Promote sustainability for future generations.

- GV P4.1 *Preserve rural, agricultural, recreational, and environmentally sensitive areas*
- GV P4.2 *Focus development in urban centers and existing cities.*
- GV P4.3 *Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution and significantly reduce waste.*
- GV P4.4 *Utilize "green" development techniques*

CONCLUSION

As the clearinghouse for regionally significant projects per Executive Order 12372, SCAG reviews the consistency of local plans, projects, and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

All feasible measures needed to mitigate any potentially negative regional impacts associated with the proposed project should be implemented and monitored, as required by CEQA. We recommend that you review the SCAG List of Mitigation Measures for additional guidance, and encourage you to follow them, where applicable to your project. The SCAG List of Mitigation Measures may be found here: http://www.scag.ca.gov/igr/documents/SCAG_IGRMMRP_2008.pdf

3-8
(cont'd)

3-9

May 2, 2012
Mr. Koizumi

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SUGGESTED SIDE BY SIDE FORMAT - COMPARISON TABLE OF SCAG POLICIES

For ease of review, we would encourage the use of a side-by-side comparison of all SCAG policies with a discussion of the consistency, non-consistency or not applicable of the policy and supportive analysis in a table format. All policies and goals must be evaluated as to impacts. Suggested format is as follows:

The complete table can be found at: <http://www.scag.ca.gov/igr/>

- Click on **“Demonstrating Your Project’s Consistency With SCAG Policies”**
- Scroll down to **“Table of SCAG Policies for IGR”**

SCAG Regional Transportation Plan Goals and Compass Growth Visioning Principles		
Regional Transportation Plan Goals		
Goal/ Principle Number	Policy Text	Statement of Consistency, Non-Consistency, or Not Applicable
RTP G1	Maximize mobility and accessibility for all people and goods in the region.	Consistent: Statement as to why Not-Consistent: Statement as to why or Not Applicable: Statement as to why
RTP G2	Ensure travel safety and reliability for all people and goods in the region.	Consistent: Statement as to why Not-Consistent: Statement as to why or Not Applicable: Statement as to why
RTP G3	Preserve and ensure a sustainable regional transportation system.	Consistent: Statement as to why Not-Consistent: Statement as to why or Not Applicable: Statement as to why
Etc.	Etc.	Etc.

3-10

Responses to Comment Letter No. 3

**Southern California Association of Governments
April 13, 2012**

Response 3-1

The comment states that Southern California Association of Governments (SCAG) is the authorized regional agency for Inter-Governmental Review of Programs proposed for federal financial assistance and direct development activities and responsible for preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Plan (RTIP). No further response is necessary.

Response 3-2

The comment states that SCAG has reviewed the proposed Project and determined that the proposed Project is regionally significant. The preliminary analysis in the NOP/IS indicated that the proposed Project had the potential to create significant adverse air quality impacts, which means that it had the potential to be regionally significant. However, subsequent analysis of the proposed Project indicated that it no longer has the potential to generate significant adverse impacts. Therefore the proposed Project no longer meets any of the seven criteria identified in CEQA Guidelines §15206 (b) and therefore is not a project of regional significance. The criteria and rationale for non-applicability are presented in the following table.

CEQA Guidelines §15206 (b)Criteria	Non-Applicability Rationale
(1) A proposed local general plan, element, or amendment thereof for which an EIR was prepared. If a Negative Declaration was prepared for the plan, element, or amendment, the document need not be submitted for review.	The proposed Project is not a local general plan, element, or amendment.
(2) A project has the potential for causing significant effects on the environment extending beyond the city or county in which the project would be located.	This ND determined the proposed Project is not expected to cause significant effects on the environment in the vicinity.
(3) A project which would result in the cancellation of an open space contract made pursuant to the California Land Conservation Act of 1965 (Williamson Act)for any parcel of 100 or more acres.	As discussed in agriculture and forest resources on pages 2-7 and 2-8, the proposed Project has no impact on Williamson Act contracts.
(4) A project for which an EIR and not a Negative Declaration was prepared which would be located in and would substantially impact specified areas of critical environmental sensitivity.	While originally noticed as intent to prepare an EIR, this ND determines that the proposed Project would not have significant impacts on the environment.

CEQA Guidelines §15206 (b)Criteria	Non-Applicability Rationale
(5) A project which would substantially affect sensitive wildlife habitats including but not limited to riparian lands, wetlands, bays, estuaries, marshes, and habitats for endangered, rare and threatened species as defined by §15380.	The proposed Project was determined to have less than significant impacts on biological resources, see pages 2-31 and 2-32 of this ND for a discussion.
(6) A project which would interfere with attainment of regional water quality standards as stated in the approved areawide waste treatment management plan.	The proposed Project is not expected to increase wastewater discharge above the Refinery capacity. Furthermore, all discharged wastewater is expected to be in compliance with the exiting Industrial Wastewater Discharge Permit.
(7) A project which would provide housing, jobs, or occupancy for 500 or more people within 10 miles of a nuclear power plant.	The proposed Project is not located within ten miles of a nuclear power plant.

Response 3-3

This comment states that policies in the RTP and Compass Growth Visioning (CGV) may be applicable to the proposed Project and suggests preparing a table with a side-by-side comparison of the SCAG policy and whether the proposed Project is consistent with that policy. It should be noted that consistency is a requirement of EIR (CEQA Guidelines §15125 (d)). Since the CEQA document for the proposed Project is now an ND, a consistency analysis is no longer required. However, in response to comment, please refer to the following table for the requested comparison.

RTP Goal ID	Description	Consistency Evaluation
RTP G1	Maximize mobility and accessibility for all people and goods in the region.	Consistent: The proposed Project was determined to have less than significant impacts on traffic, see pages 2-80 through 2-82 of this ND for a discussion. In comments on the NOP/IS, Caltrans concurred with the conclusion that the proposed Project would not have significant traffic impacts (see 2-2 of Comment letter 2).
RTP G2	Ensure travel safety and reliability for all people and goods in the region.	
RTP G3	Preserve and ensure a sustainable regional transportation system.	
RTP G4	Maximize the productivity of our transportation system.	

RESPONSE TO COMMENTS

RTP Goal ID	Description	Consistency Evaluation
RTP G5	Protect the environment, improve air quality, and promote energy efficiency.	Consistent: See Section 1.3 on page 1-3 of this ND regarding the objectives of the proposed Project, which include energy efficient production of steam and production of on-site electricity to improve reliability. See Section 3. of this ND, which demonstrates the proposed Project is expected to result in less than significant impacts to air quality.
RTP G6	Encourage land use and growth patterns that complement our transportation investments and improve the cost-effectiveness of expenditures.	Not Applicable: See Section 10. of this ND, which demonstrate the proposed Project is not a growth-inducing project.
RTP G7	Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	Not Applicable: The proposed Project involves minimal commuting during construction and adds no new employees during operations with no impacts to transportation systems. See RTP G1 Consistency Evaluation.

Response 3-4

The comment is a general comment referencing additional SCAG policies, which may require additional determinations of consistency. As noted in Response 3-3, a consistency analysis is not a requirement for NDs. However, in response to the comment, the following responses address consistency determinations for each policy identified. Further, since no significant adverse impacts are expected to be generated by the proposed Project, mitigation measures are not required.

Since the CEQA document for the proposed Project in a ND, pursuant to CEQA Guidelines §15105, the comment period for the ND will be at least 30 days.

Response 3-5

The Project location and description from the IS is included with the comment letter. A more comprehensive description of the proposed Project can be found in Chapter 1 of this ND. No further response is necessary.

Response 3-6

The comment states the Draft EIR should use the most current SCAG forecasts. As previously noted, the CEQA document for the proposed Project is no longer an EIR, but is a ND. As determined in the Section 13. on page 2-72 of this ND, the proposed Project would occur within the confines of an existing Refinery and would not involve the relocation of individuals, impact housing or commercial facilities, or change the distribution of the population. The proposed Project was determined to require no new permanent employees and have no significant adverse impacts, and, therefore, no forecasting of population, households, or employment is warranted.

Response 3-7

As noted in Response 3-3, a consistency analysis is not required in a ND. The proposed Project was determined to have less than significant impacts on traffic, see pages 2-80 through 2-82 of the ND for a discussion. Caltrans has also concurred that traffic impacts would be less than significant in their comment letter on the NOP/IS (see 2-2 in comment letter 2).

Response 3-8

In response to the request by SCAG, a side-by-side comparison of the CGV are presented below.

Principle 1: Improve mobility for all residents		
GV P1.1	Encourage transportation investments and land use decisions that are mutually supportive.	Not Applicable: Section 13. of this ND on page 2-72, concludes that the proposed Project is not a growth-inducing project. The proposed Project would not create new residential units or significantly impact job opportunities.
GV P1.2	Locate new housing near existing jobs and new jobs near existing housing.	
GV P1.3	Encourage transit-oriented development.	
GV P1.4	Promote a variety of travel choices.	
Principle 2: Foster livability in all communities		
GV P2.1	Promote infill development and redevelopment to revitalize existing communities.	Not Applicable: Section 13. of this ND on page 2-72, concludes that the proposed Project is not a growth-inducing project. The proposed Project would not create new residential units or significantly impact job opportunities.
GV P2.2	Promote developments that provide a mix of uses.	
GV P2.3	Promote "people scaled," pedestrian-friendly (walkable) communities.	
GV P2.4	Support the preservation of stable, single-family neighborhoods.	

RESPONSE TO COMMENTS

Principle 2: Enable prosperity for all people		
GV P3.1	Provide, in each community, a variety of housing types in each community to meet the housing needs of all income levels.	Not Applicable: Section 13. of this ND on page 2-72, concludes that the proposed Project is not a growth-inducing project. The proposed Project would not create new residential units or significantly impact job opportunities.
GV P3.2	Support education opportunities that promote balanced growth.	
GV P3.3	Ensure environmental justice regardless of race, ethnicity, or income class.	Consistent: It should be noted that neither the CEQA statutes nor guidelines require an analysis of environmental justice. However, this ND evaluated air quality impacts to the local surrounding community from criteria pollutant (comparing to LSTs) and TACs. LSTs were developed in response to the SCAQMD Governing Board’s Environmental Justice Enhancement Initiative I-4. Further, a health risk assessment was conducted for potential impacts from TACs resulting from operation of the proposed Project. The ND determined the proposed Project would not significantly adversely affect air quality in the local surrounding community. Further, no other significant adverse environmental impacts were identified. Therefore, the proposed Project would not cause any impacts related to environmental justice.
GV P3.4	Support local and state fiscal policies that encourage balanced growth.	Not Applicable: Section 13. of this ND on page 2-72, concludes that the proposed Project is not a growth-inducing project. The proposed Project would not create new residential units or significantly impact job opportunities.
GV P3.5	Encourage civic engagement.	

Principle 4: Promote sustainability for future generations		
GV P4.1	Preserve rural, agricultural, recreational, and environmentally sensitive areas.	Consistent: The proposed Project would be located within the confines of an existing Refinery in an urbanized area of the City of Los Angeles. See pages 2-7 through 2-8, 2-31 through 2-32 and 2-76 of this ND, which concludes that the proposed Project would have no impact on agricultural resources, biological resources, and recreation, respectively.
GV P4.2	Focus development in urban centers and existing cities.	Consistent: The proposed Project is located within the confines of an existing Refinery in an urbanized area of the City of Los Angeles.
GV P4.3	Develop strategies to accommodate growth that uses resources efficiently, eliminate pollution, and significantly reduce waste.	Consistent: The proposed Project would provide the Refinery with onsite electricity generation instead of being supplied with electricity from the local utility (LADWP). The Cogen Unit is a more efficient use of resources with improved efficiency to produce both electricity and steam. See Section 3. of this ND for a discussion on greenhouse gas emissions.
GV P4.4	Utilize "green" development techniques.	

Response 3-9

As noted in Response 3-2, the proposed Project no longer meets any of the criteria in CEQA Guidelines §15206 that define a regionally significant project. Further, as noted in Response 3-4, the proposed Project is not expected to generate any significant adverse environmental impacts. Consequently, mitigation measures are not required.

Response 3-10

With regard to preparing side-by-side comparison tables of SCAG policies, refer to Responses 3-3 and 3-8.

Comment Letter No. 4
Ms. Joyce Dillard
May 3, 2012

James Koizumi

From: Joyce Dillard [dillardjoyce@yahoo.com]
Sent: Thursday, May 03, 2012 3:57 PM
To: James Koizumi
Subject: Comments to Ultramar, Inc. Wilmington Refinery Proposed Cogeneration Project Due 5.3.2012

You state:

HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

Create a significant hazard to the public or the environment through the routine transport, use, and disposal of hazardous materials?

POTENTIALLY SIGNIFICANT IMPACT

Create a significant hazard to the public or the environment through reasonably foreseeable upset conditions involving the release of hazardous materials into the environment?

POTENTIALLY SIGNIFICANT IMPACT

In PUBLIC SERVICES, you indicate that there is NO IMPACT. That is not the case.

You have a problem with this area being underserved by the Fire Department and Emergency Management and need mitigation to assure that the public's health and safety are protected. Please present a plan for compliance with all standards including but not limited to the National Fire Protection Association.

What is the contribution to non-compliance of the Total Daily Maximum Loads TMDLs and what mitigation is being presented to alleviate the loads.

How will this project affect the groundwater.

With a 303(d) water body in the vicinity, what are your mitigation and monitoring plans not to add more contamination.

What mitigations have you addressed with Sea Level Rise and contamination. Have you used CAL-ADAPT.

Where are the placements of Air monitoring stations.

Joyce Dillard
P.O. Box 31377
Los Angeles, CA 90031

4-1

4-2

4-3

4-4

4-5

Responses to Comment Letter No. 4

Ms. Joyce Dillard
May 3, 2012

Response 4-1

The preliminary analysis in the NOP/IS indicated that the proposed Project had the potential to create significant adverse air quality impacts, which means that it had the potential to be regionally significant. However, subsequent analysis of the proposed Project indicated that it no longer has the potential to generate significant adverse impacts. Therefore, please refer to Section 8 on pages 2-44 through 2-54 of this ND, which evaluates the potential hazards associated with operation of the proposed Project and transport of hazardous materials. The ND concluded the proposed Project would not create significant impacts from hazards and hazardous materials use or transport.

Response 4-2

There is no evidence that the Refinery is “underserved” by the Fire Department or Emergency Response agencies. As discussed in the ND in Section 14. a) on pages 2-73 and 2-74, the proposed Project is within the confines of an existing Refinery, which is served by the Ultramar Fire Department/ Emergency Response Team. The addition of the Cogen Unit does not alter the capabilities of the on-site Fire Department nor require additional resources to respond to a fire. Close coordination with the local fire departments and emergency response is on-going at the Refinery and would continue. Additionally, the Refinery is required to have and maintains an emergency response plan. The new Cogen Unit would be included in the emergency response plan.

The new Cogen Unit would be built in compliance with the California Building Code, which incorporates requirements from the National Fire Protection Agency. Therefore, no additional compliance plan is needed.

Response 4-3

As discussed on in Section 9. of this ND on pages 2-55 through 2-62, the proposed Project wastewater and stormwater would be treated in the on-site wastewater treatment system prior to discharge into the LACSD system. The wastewater treatment system permit is capable of handling the maximum estimated increase of 26,200 gallons per day of wastewater discharged from the proposed Project without permit modifications. Therefore, the proposed Project would not alter the established permits limits or compliance with the discharge limits and no mitigation would be required.

RESPONSE TO COMMENTS

As discussed on in Section 9. of this ND on pages 2-55 through 2-62, the proposed Project is not expected to impact groundwater during construction or operation or result in the release of wastewater into any water bodies classified by the Clean Water Act §3036(d) as impaired waters.

Response 4-4

The proposed Project would be within the confines of an existing Refinery. Potential flooding hazards from the proposed Project are discussed in this ND on page 2-61. The proposed Project would not place residential dwellings in a location potentially affected by flooding hazards. Therefore, the impacts of flooding hazards were determined to be less than significant, so no mitigation is required.

Pursuant to the December 2, 2011 Court of Appeal decision in Ballona Wetlands Land Trust versus City of Los Angeles, sea level rise as a result of global climate change does not need to be analyzed. Greenhouse gas emission impacts, which contribute to global climate change have been analyzed and determined to be less than significant (see pages 2-25 through 2-30 of this ND), so no mitigation is required.

CAL-ADAPT is collection of projected temperature, precipitation, snow pack, and wild fire risk maps designed to inform the public of the potential changes expected from global climate change. There is no relevant use of this information to determine the impacts from a specific project such as the proposed Project. The greenhouse gas emission impacts of the proposed Project were determined to be less than significant, so no mitigation is required.

Response 4-5

The SCAQMD maintains a network of air monitoring stations throughout the Basin. A map showing the locations can be accessed at <http://www.aqmd.gov/map/mapaqmd2.pdf>.